

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8 of 2021

Moh. Fazal Khan S/o Mohammad Hanif Khan Aged About 32 Years R/o A - 201,
Selino Paradise Complex, Daldal Sivni, Pandri, Raipur, District Raipur
Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer Police Station Pandri,
Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Harshwardhan Parganiha, Advocate
For State	:	Shri Rahul Jha, Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

24/05/2021

Heard.

1. The applicant is arrested in connection with Crime No.63/2020 registered in Police Station -Pandri, Raipur, District- Raipur (CG) for alleged commission of offence under Sections 307, 188 IPC and Sections 25 & 27 of the Arms Act.
2. This is the repeat application for grant of bail by the applicant. His first bail application was rejected by this Court vide order dated 17.8.2020 and thereafter, it was again rejected on 8.10.2020.
3. It is the case of the prosecution that the applicant assaulted victim Ankit with the help of a knife and caused stab injuries on his chest, abdomen and thigh.
4. Learned counsel for applicant would submit that though earlier application was rejected on merits, this repeat application for grant of bail has been filed

by the applicant mainly on the ground of delay in trial. Learned counsel for the applicant submits that in view of the new direction which has been issued by the Hon'ble Supreme Court, the applicant may be considered for grant of bail. Learned counsel for the applicant further submits that till date, not a single prosecution witness has been examined and the trial is likely to be delayed. Therefore, at this stage, the applicant may be granted bail and the applicant is prepared to comply with any conditions that may be imposed by this Court.

5. On the other hand, learned counsel for the State opposed the bail application by submitting that since the applicant is charged of heinous offence under Section 307 IPC and his earlier bail application has been rejected on merits by this Court vide order dated 17.8.2020, this application may also be rejected.
6. Though this Court had rejected the application for grant of bail on 17.8.2020, by now, more than one year has elapsed since the applicant was arrested on 16.04.2020. Even the witnesses have not been examined. Submission of learned counsel for the applicant that not a single witness has been examined till date could not be refuted by the State counsel. If that be so, in the considered opinion of this Court, at this stage, the applicant has made out a case for grant of bail only on the ground of long pre-trial detention. Therefore, considering the aforesaid aspect of the matter, at this stage, this Court is inclined to grant bail to the applicant.
7. The application is accordingly allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court, with following further conditions that:-
 - (i) the applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
 - (iii) if it is found that after getting bail, the applicant, in any manner, has

attempted to threat or influence the injured witness, the bail granted to the applicant shall be liable to be cancelled.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Vacation Judge

Praveen